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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13
14 **STATE OF CALIFORNIA, STATE OF**
15 **COLORADO, STATE OF DELAWARE,**
16 **COMMONWEALTH OF**
17 **MASSACHUSETTS, STATE OF NEW**
18 **JERSEY, STATE OF NEW MEXICO,**
19 **STATE OF NEW YORK, STATE OF**
20 **OREGON, STATE OF RHODE ISLAND,**
21 **STATE OF VERMONT, and STATE OF**
22 **WASHINGTON,**

23 Plaintiffs,

24 v.

25 **UNITED STATES OF AMERICA, U.S.**
26 **ENVIRONMENTAL PROTECTION**
27 **AGENCY, LEE ZELDIN, in his official**
28 capacity as Administrator of the U.S.
Environmental Protection Agency, and
DONALD J. TRUMP, in his official capacity
as President of the United States,

Defendants.

Case No. 4:25-cv-04966-HSG

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS;
NOTICE OF ELECTION TO FILE
AMENDED COMPLAINT PURSUANT
TO RULE 15(a)(1)(B)**

Date: No Hearing Scheduled

Judge: Hon. Haywood S. Gilliam, Jr.

Action filed: June 12, 2025

1 Plaintiffs State of California et al. (“Plaintiff States”) respectfully submit this opposition to
2 the motion to dismiss filed by Defendants United States et al. (“Federal Defendants”) on
3 September 19, 2025 (“Motion”) (ECF No. 118). This opposition does not address Federal
4 Defendants’ arguments as set forth in the Motion, but rather provides notice that Plaintiff States
5 intend to file an amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1).

6 Federal Rule of Civil Procedure 15 allows a party to “amend its pleading once as a matter
7 of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive
8 pleading is required, 21 days after service of the responsive pleading or 21 days after service of a
9 motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. Proc. 15(a)(1).

10 When an amended complaint is filed, it supersedes the original complaint and moots any
11 pending motion to dismiss. *Ramirez v. Cnty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir.
12 2015) (district court erred in granting motion to dismiss to superseded complaint); *Reckstin Fam.*
13 *Tr. v. C3.ai, Inc.*, No. 22-CV-01413-HSG, 2025 WL 490470, at *1 (N.D. Cal. Feb. 13, 2025)
14 (granting plaintiffs leave to amend and terminating pending motions to dismiss as moot). This is
15 the case even if a plaintiff amends his complaint after failing to timely oppose a motion to
16 dismiss, as local rules governing motion practice cannot interfere with the plaintiff’s right to file
17 an amended complaint set forth in Rule 15. *Ramirez*, 806 F.3d at 1004, 1008; *see* Fed. R. Civ.
18 Proc. 83(a)(1) (“[a] local rule must be consistent with . . . federal statutes and rules”); 28 U.S.
19 Code § 2072(b).

20 Here, Federal Defendants filed the Motion on September 19, 2025. ECF No. 118. Under
21 Local Rule 7-3(a), Plaintiff States’ opposition to the Motion, if any, is due October 3, 2025.
22 However, pursuant to Federal Rule of Civil Procedure 15(a)(1), Plaintiff States may file an
23 amended complaint on or before October 10, 2025. Given this difference in timing between the
24 local and federal rules, Plaintiff States hereby provide notice that they intend to file an amended
25 complaint pursuant to Federal Rule of Procedure 15 (a)(1)(B). As such, the pending Motion shall
26 be rendered moot upon the filing of the amended complaint.

27 The Court will not need to take further action to vacate the hearing on the Motion, as the
28 hearing date was already vacated and has not yet been reset.

1 Dated: October 3, 2025

Respectfully submitted,

2
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Pursuant to Local Rule 5-1(i), I attest that all signatories to this document concurred in its filing.

/s/ M. Elaine Meckenstock

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